

AN ORDINANCE approving the awarding of Reference #9010 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and KURTZ EXCAVATING, INC. for the Water Engineering Department.

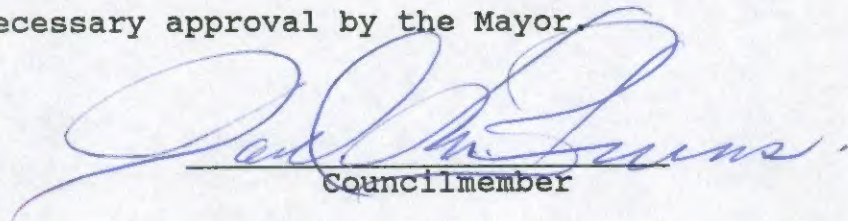
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #9010 between the City of Fort Wayne, by and through its Department of Purchasing and KURTZ EXCAVATING, INC. for the Water Engineering Department, respectfully for:


the reimbursement of oversizing costs on Millstone for the Water Engineering Department;

involving a total cost of Twenty-One Thousand Seventy-Five and no/100 Dollars (\$21,075.00), all as more particularly set forth in said Reference #9010 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

S-167-90
vol. 7/10/90

WATER CONTRACT NO. 9010

BOARD ORDER NO. 65-90

WORK ORDER NO. 64199

THIS AGREEMENT, made and entered into this 13th day of June, 1990, by and between NORTH EASTERN CONSTRUCTION CO., INC. hereinafter called CONTRIBUTOR, and the FORT WAYNE WATER UTILITY of the CITY OF FORT WAYNE, Indiana, by and through the MAYOR and the BOARD OF PUBLIC WORKS AND SAFETY, of said City, hereinafter called UTILITY, WITNESSETH:

That the said CONTRIBUTOR and the said UTILITY for the consideration hereinafter named, agree as follows:

1. That the UTILITY and the CONTRIBUTOR shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct water main systems, including all necessary fittings to serve MILLSTONE SECTION I as follows:

On Fox Orchard Run from Millstone Run Easterly 830± LF; on Fox Orchard Run from Millstone Run Westerly to its terminus; on Millstone Run from Fox Orchard Run Northerly to Wallen Road; on Millstone Run from Fox Orchard Run Southerly to Brittany Place; on Millstone Place from Brittany Place Southerly to its terminus; on Brittany Place from Millstone Run Westerly to its terminus; on Oak Bay Run from Brittany Place Southerly to Shadeland Court; on Oak Bay Run from Shadeland Court Southwesterly 260± LF; on Shadeland Court from Oak Bay Run Northerly to its terminus; on Victoria Woods Place from Fox Orchard Run Northerly 20± LF; on Victoria Woods Place from Fox Orchard Run Southerly 50± LF; on Chapel Hill Place from Fox Orchard Run Southerly 50± LF; on Timber Falls Place from Millstone Run Westerly 100± LF; on Woodland Springs Place from Millstone Run Westerly 90± LF; on Woodland Springs Place from Millstone Run Easterly to its terminus; on Laurel Hill Place from Millstone Run Westerly to its terminus and on the South side of Wallen Road from the East to the West right-of-way of Millstone Run.

Said water line to include: 2580± LF OF 12", 1,580± lf of 8" and 3,870± LF of 6" ductile iron water main.

2. That said water main system shall be constructed according to the standards, plans, and specifications of the UTILITY or approved by the UTILITY, which are on file in the office of the Engineering Department of the UTILITY, and by reference made a part hereof; and the said UTILITY shall furnish water through said system, when complete, in accordance with rules and regulations of said UTILITY and the laws, ordinances and regulations applicable thereto, now in force, or that may

hereafter be adopted.

It is, however, understood and agreed that the UTILITY will not furnish water through any part of parts of the water main covered hereunder, unless and until the entire system shall have been tested, disinfected, and placed in-service and accepted by said UTILITY.

3. It is understood and agreed by and between the parties of this contract, that the CONTRIBUTOR shall furnish all materials, contractual labor and equipment for the construction of said water main system through Kurtz Excavating, Inc. at a cost of One Hundred Thirty-One Thousand Twenty-One and 00/100 (\$131,021.00) Dollars and that said CONTRIBUTOR shall pay the UTILITY upon execution of this contract for the necessary labor for inspecting, pressure-testing, disinfection, engineering, tap and assessment at a cost of Six Thousand Twenty-Five and no/100 (\$6,025.00) Dollars. Therefore, the total cost of said water main system is One Hundred Thirty-Seven Thousand Forty-Six and no/100 (\$137,046.00) Dollars, and which amount is in the contract price of this AGREEMENT.

It is further understood and agreed by and between the parties of this contract that said CONTRIBUTOR shall bear the cost of the water main on the basis of a 6" water main, the total cost of which is One Hundred Nine thousand Nine Hundred Forty-Six and 00/100 (\$109,946.00) Dollars and which amount is the contract price of this AGREEMENT. Therefore, it is agreed that upon completion and acceptance of said water main system by said UTILITY, the UTILITY will pay to said CONTRIBUTOR the difference between the cost of material, contractual labor and equipment, as supplied by the Contractor, as referred to above and the contract price of this agreement, said difference being Twenty-One Thousand Seventy-Five and no/100 (\$21,075.00) Dollars.

4. The UTILITY may approve the extension of additional water mains from the water main(s) covered in this CONTRACT without incurring any financial obligations to the CONTRIBUTOR under this contract.
5. It is further understood and agreed that, upon completion of said water main system, the CONTRIBUTOR or his contractor shall file a COMPLETION AFFIDAVIT and a MAINTENANCE BOND with the BOARD OF PUBLIC WORKS AND SAFETY of the City. The MAINTENANCE BOND shall run for a minimum period of one (1) year from the date of acceptance of said system of the CITY and shall be in the minimum amount of Thirty-Two Thousand Seven Hundred Fifty-Five and no/100 (\$32,755.00) Dollars.

After receipt of the COMPLETION AFFIDAVIT and MAINTENANCE BOND, the UTILITY will make final inspection of the project. Upon finding the project to be acceptable and in full

compliance with the standards and specifications of the UTILITY, the Board of Public Works and Safety will issue a letter of acceptance of the project to the CONTRIBUTOR. Upon issuance of the acceptance letter, and in accordance with the terms of that letter, the water main and fittings installed under this contract shall form and be a part of the water works system of said UTILITY, and all rights, title, and interest whatsoever in said water main system shall become and remain in the City of Fort Wayne, Indiana.

WITNESS THE HANDS AND SEALS OF SAID PARTIES, the day and year first above written.

CITY OF FORT WAYNE, INDIANA

BY: Paul Helmke
Paul Helmke, Mayor

BOARD OF PUBLIC WORKS AND SAFETY

Charles E. Layton, Director
Public Works

**Michael McAlexander, Director
Public Safety**

**Douglas M. Lehman, Director
Administration and Finance**

ATTEST:

Patricia Crick
Helen V. Gochenour, Clerk

APPROVED AS TO FORM AND LEGALITY:

**R. David Boyer, Associate
City Attorney**

CONTRIBUTOR: NORTH EASTERN CONSTRUCTION CO., INC.

BY: J.L. Lehr, President

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public, in and for said County and State, this 13 day of June, 1990, personally appeared the within named PAUL HELMKE, CHARLES E. LAYTON, MICHAEL McALEXANDER, DOUGLAS M. LEHMAN, and HELEN V. GOCHENOUR, to me personally known, who being by me duly sworn, said that they are respectively MAYOR OF THE CITY OF FORT WAYNE; CHAIRPERSON, MEMBERS AND CLERK OF THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF FORT WAYNE, INDIANA and that they signed said instrument on behalf of the Fort Wayne Water Utility of the City of Fort Wayne, Indiana, with full authority to do so and acknowledged said instrument to be the voluntary act and deed of said Department of said City for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, and affixed my official seal.

Carolyn S. Eschmann
Notary Public

CAROLYN S. ESCHMANN
NOTARY PUBLIC STATE OF INDIANA
ALLEN CO
MY COMMISSION EXPIRES JUNE 21, 1991
ISSUED THRU INDIANA NOTARY ASSOC.

Printed name of Notary

A resident of _____ County.

My commission expires:

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE ME, a Notary Public in and for said County and State, this
4th day of June, 1990, personally
appeared the within named J.L. Zehr, being
by me first duly sworn upon his oath, says that he is the President
of North Eastern Construction Co., Inc. CONTRIBUTOR herein, and as
such, duly authorized to execute the foregoing instrument for the
uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed by name, and affixed my
official seal.

Orrin R. Sessions
Notary Public

Orrin R. Sessions

Printed name of Notary

A resident of Allen County.

My commission expires:

5-13-92

KURTZ EXCAVATING, INC.

7031 Hosler Rd. • Leo, IN 46765 Phone 219-627-6257

April 24, 1990

North Eastern Construction Co., Inc.
6700 East State Blvd.
Fort Wayne, IN 46815

PROPOSAL FOR: Millstone - Section I Water Main Oversizing

We propose to furnish labor and material to increase the size of 4,160 ft. of 6" ductal main, fittings, valves, etc., as designed by Coil & Dickmeyer (revised 4/17/90) as follows:

2,580 ft. of 12" main, 4 valves, 9 Tees, 3 crosses, misc. retainers, etc. (includes 145 ft. entrance street crossing at Wallen Road).

1,580 ft. of 8" main, 4 valves, 6 tees, misc. retainers, etc.

Maintenance Bond.

NOT INCLUDED: Material for temporary blow offs (to be provided by City).

TOTAL COST FOR OVER SIZING \$ 27,100.00

Read the first time in full and on motion by Burns, seconded by Redd, and duly adopted, read the second time title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock _____ M., E.S.

DATED: 5-28-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Burns, seconded by Redd, and duly adopted, placed on its passage. PASSED YES by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG				<u>✓</u>
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 6-11-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. S-141-91 on the 11th day of June, 1991.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Samuel Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of June, 1991 at the hour of 1:20 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of June, 1991, at the hour of 10:30 o'clock A. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Ref. No. 9010 for reimbursement of oversizing costs on Millstone for the Water Eng. Department. The cost reflects the lowest and most responsive of three (3) vendors.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: A system of water mains to serve Millstone, Section I.

IF REPLACEMENT, WHAT NECESSITATES:

EFFECT OF NON-PASSAGE: Will not be able to reimburse contractor.

PRIOR APPROVAL REQUESTED:

MONIES INVOLVED: Kurtz Excav \$21,075.00

PRICE AGREEMENT: Yes

PURCHASE ORDER:

ACCOUNT INFORMATION: Water Eng 513-523-W107-4454

PRIOR APPROVAL:
(IF APPLICABLE)

DATE:

91-05-31

BILL NO. S-91-05-31

REPORT OF THE COMMITTEE ON CITY UTILITIES

PAUL M. BURNS, CHAIRMAN
CHARLES B. REDD, VICE CHAIRMAN
EDMONDS, LONG, SCHMIDT

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the awarding
of Reference #9010 by the City of Fort Wayne, Indiana, by and
through its Department of Purchasing and KURTZ EXCAVATING, INC.
for the Water Engineering Department

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Handwritten signatures: Paul M. Burns, Charles B. Redd, Edmonds, Long, Schmidt]
C. R. Edmond

DATED:

6-11-91

Sandra E. Kennedy
City Clerk